

Hearing Officer Transmittal Checklist

Hearing Date
11/20/12
Agenda Item No.
7

Project Number: R2012-00035-(2)
Case(s): Conditional Use Permit No. 201200006
Environmental Assessment Case No. 201200008
Planner: Andrew Svitek

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2012-00035-(2)

HEARING DATE

November 20, 2012

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201200006

Environmental Assessment No. 201200008

PROJECT SUMMARY

OWNER / APPLICANT

Los Angeles Department of Water and Power (LADWP) /
AT&T Mobility

MAP/EXHIBIT DATE

10/31/11

PROJECT OVERVIEW

A request for a conditional use permit to authorize the construction, operation, and maintenance of a wireless telecommunications facility that will be disguised as a monopalm. The tower will include twelve antennas and three GPS units and will be 55-feet high, including the foliage. The proposed lease area is 20 feet by 30 feet and will include 8 equipment cabinets and will be enclosed by a 6-foot high chain link fence.

LOCATION

Southwest corner of Raymond Avenue and 120th Street,
Los Angeles

ACCESS

Raymond Avenue

ASSESSORS PARCEL NUMBER(S)

6089-001-272

SITE AREA

0.6 Acre

GENERAL PLAN / LOCAL PLAN

West Athens-Westmont Community Plan

ZONED DISTRICT

WEST ATHENS-WESTMONT

LAND USE DESIGNATION

RD 2.3 Single Family Residence (1 to 8 du/ac)

ZONE

R-1 (Single family residential)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

8 du/ac

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 3 Categorical Exemption—New Construction or Conversion of Small Structures

KEY ISSUES

- Consistency with the West Athens-Westmont Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.22.105 (R-1 Zone Development Standards)
 - 22.44.120 (West Athens-Westmont Community Standards District)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

Andrew Svitek

PHONE NUMBER:

(213) 974 -6462

E-MAIL ADDRESS:

asvitek@planning.lacounty.gov

ENTITLEMENTS REQUESTED

Conditional Use Permit (CUP) for a wireless telecommunications facility in the R-1 (Single-Family Residence) Zone pursuant to County Code Section 22.20.100. The height limit in the R-1 Zone is 35 feet except for communications facilities, which may be 50 feet in height.

PROJECT DESCRIPTION

A request for a conditional use permit to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, consisting of twelve 8-foot antennas and three GPS antennas. The lease area will be 20 feet by 30 feet and will include 8 equipment cabinets and will be enclosed by a 6-foot high chain link fence.

EXISTING ZONING

The subject property is zoned R-1 (Single-Family Residence) and is located within the Westmont-West Athens Zoned District.

Surrounding properties are zoned as follows:

North: R-1 (Single-Family Residence)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: R-1 (Single-Family Residence)

EXISTING LAND USES

The subject property is developed with LADWP lattice transmission towers and overhead wires.

Surrounding properties are developed as follows:

North: single family residences
South: single family residences
East: single family residences
West: single family residences

PREVIOUS CASES/ZONING HISTORY

None

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is exempt because the tower dimensions are standard, the lease area is limited in scope, and because it is not in an environmentally sensitive area. Therefore, staff recommends that the Regional Planning Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the RD 2.3 Single Family Residence designation of the Westmont-West Athens Plan. The RD 2.3 Single Family Residence land use designation is intended for single family residences and any structures and uses that are compatible with single family residences. The proposed wireless telecommunications facility is compatible with the single family residential area as the transmission tower and cabinets will be located within a transmission line utility corridor sharing a boundary with one residence. The wireless telecommunications tower will be required to adhere to all health, safety, and building standards. The project therefore does not conflict with the permitted uses of the underlying land use category.

Zoning Ordinance and Development Standards Compliance

Establishments in the R-1 (Single-family Residence) Zone are subject to development standards in Section 22.20.105 *et seq* of the County Code. Because the proposed project is not a single family residence the standards relating to single-family residences are not applicable. However, the wireless facility complies with the following development standards.

Height

The R-1 Zone development standard limits height to a maximum of 35-feet. However, this height limitation can be modified through the conditional use permit process per building bulk provision in Section 22.56.200, which allows the hearing officer to prescribe the height limit, maximum lot coverage or floor-area ratio. In addition, the West Athens-Westmount Community Standards District ("CSD") allows communications facility to be a maximum of 50 feet.

Setbacks

The R-1 Zone requires structures to provide setbacks from the property lines (Section 22.20.120). The proposed project is in compliance with the setback requirements.

Parking Areas

The R-1 Zone requires adequate parking facilities (Section 22.20.130). The project area is open and sufficiently large to allow for the parking of a vehicle that will be utilized for regular maintenance (on a monthly basis) of the wireless telecommunications facility.

West Athens-Westmount Community Standards District ("CSD")

In addition the project complies with CSD standards.

Height Limit

The project complies with the maximum height limit as a wireless telecommunications facility is communications related. "The maximum height of any structure shall be 40 feet except that devices or apparatus essential to industrial processes or communications related to public health and safety may be 50 feet in height, or as otherwise specified herein; said heights may be modified subject to a variance." (Section 22.44.120.C). The wireless facility is 50 feet in height as allowed by the CSD for a communication facility.

Landscaped Areas

In compliance with the CSD landscaping requirement (Section 22.44.120 D.1.b), Draft Condition of Approval No. 29 states the following: "The lease area shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. The lease area shall be landscaped and maintained with grass, shrubs and/or trees as shown on the approved Exhibit 'A'"

Development Standards for Wireless Telecommunications Towers

The project is also consistent with the development standards for wireless telecommunication facilities as set out in the Director's memorandum, Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010. Specifically, the project is in compliance with the following applicable standards:

- Height Standard D - A ground-mounted wireless facility, not located on a public right-of-way, shall not exceed the maximum height allowed in the applicable zone. The maximum permitted height is 75 feet.
- Design Standard A - All wireless facilities shall use camouflage techniques to minimize visual impacts and provide appropriate screening. The design is a monotree.
- Design Standard E - Appurtenant equipment boxes will be screened with existing landscaping along the north, east, and south property edge with existing hedges. The lease area will be required to be screened with hedges along the western edge of the lease area on the exterior of the fence.
- Colocation Standard A - Newly installed monopoles and towers shall be constructed so as to physically and structurally allow co-location of at least one other wireless facility.
- Security Standard A - Provide fencing, gates, and locks to secure the wireless facility from access by all persons other than authorized personnel. The lease area will be completely fenced and locked.
- Fencing and Walls Standards A and B - The fence is made of wood. Also, landscaping will be provided.

Neighborhood Impact/Land Use Compatibility

The subject parcel is currently developed with Los Angeles Department of Water and Power (LADWP) lattice towers for electricity transmission. The wireless facility will be constructed on this property as a standalone tower. The surrounding area is predominantly single-family residential. There are vacant parcels to the west of the subject property and along the north side of 120th Street further to the west. The subject property is 0.6 acre in size and the distance to the adjacent residence is approximately 50 feet.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.20.100 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments at this time.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Due to the nature of the project (wireless telecommunications facility), other County agencies were not required to provide comments on this project for the conditional use permit.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2012-00035-(2), Conditional Use Permit Number 201200006, subject to the attached conditions.

SUGGESTED APPROVAL ACTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200006 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Andrew Svitek, Regional Planning Assistant II
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Photo Simulations, Aerial Image
Site Plan, Land Use Map

MK:AS
11/8/12

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00035-(2)
CONDITIONAL USE PERMIT NO. 201200006**

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T Mobility, is requesting a Conditional Use Permit (CUP) to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, consisting of twelve (12) antennas and three (3) GPS units and associated equipment cabinets within the lease area pursuant to County Code Section 22.20.100 in the R-1 (Single-family Residence) Zone.
2. **HEARING DATE.** November 20, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *To be inserted after public hearing(s) to reflect hearing proceedings.*
4. **PROJECT DESCRIPTION.** A request for a conditional use permit to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, with an additional 5-foot of foliage consisting of twelve 8-foot antennas and three GPS antennas. The lease area will be 20 feet by 30 feet and will include 8 equipment cabinets and will be enclosed by a 6-foot high chain link fence.
5. **LOCATION.** 120th Street and Raymond Avenue
6. **EXISTING ZONING.** R-1 (Single-family Residence) Zone
North: R-1 (Single-Family Residence)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: R-1 (Single-Family Residence)
7. **EXISTING LAND USES.** The subject property is developed with LADWP lattice transmission towers and overhead wires.

Surrounding properties are developed as follows:
North: single family residences
South: single family residences
East: single family residences
West: single family residences
8. **PREVIOUS CASES/ZONING HISTORY.** None
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the RD 2.3 Single Family Residence designation of the Westmont-West Athens Plan. The 2.3 Single Family Residence land use designation is intended for single family residences and any structures and/or uses that are compatible with single family residences. The wireless communications tower is compatible because a WTF is a telecommunication facility that will serve the

communication needs of residents and therefore supports the health, safety and general welfare of the community.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The proposed project complies with the development standards of the R-1 Zone, and the Westmont-West Athens Community Standards District. Because the proposed project is not a single family residence the standards relating to single-family residences are not applicable (Section 22.20.105). Height in R-1 Zone is limited to a maximum of 35 feet. However, in the Westmont-West Athens Community Standards District, wireless telecommunications facilities may be up to 50 feet in height. The proposed project is in compliance with the setback requirements and parking facilities requirements. The project is also consistent with the development standards for wireless telecommunication facilities as set out in the Planning Director's memorandum. Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010. Specifically, the project is in compliance with the following applicable standards as it does not exceed the maximum height allowed in the zone, which is 50 feet. The project also uses appropriate screening and camouflage techniques because the cabinets will be behind a hedge and the antenna will be disguised as a monopalm. The monopoles shall be constructed so as to physically and structurally allow co-location of at least one other wireless facility. The facility will be secured from access by all persons other than authorized personnel.
11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project area is within an existing LADWP transmission line corridor which was constructed several decades ago and has coexisted with the single family residences. The proposed wireless telecommunications facility is compatible with the single family residential area as the transmission tower and cabinets will be located within a transmission line utility corridor sharing a boundary with one residence. The wireless telecommunications tower will be required to adhere to all health, safety, and building standards. The project therefore does not conflict with the permitted uses of the underlying land use category.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Due to the nature of the project (wireless telecommunications facility), other County agencies were not required to provide comments on this project for the conditional use permit.
13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. **PUBLIC COMMENTS.** Staff has not received any comments at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

The proposed wireless telecommunications facility will provide phone, data and emergency communications services to the surrounding community. Therefore, the proposed use will be consistent with the adopted general plan for the area.

The proposed wireless telecommunications facility will be required to comply with all FCC regulations to protect the health and safety of the public. The facility will be required to be constructed according to the building code to ensure that it is structurally stable. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare

The proposed wireless telecommunications facility will be located adjacent to towers and overhead transmission lines and lattice towers in a zone that permits communications facilities. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed wireless telecommunications facility will be serviced approximately on a monthly basis and the land surrounding the lattice towers and the proposed facility is open and sufficiently large to allow for the parking of maintenance vehicles. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

15. The project involves the authorization for continued operation and maintenance of an existing wireless telecommunications facility with no alterations.

Therefore, project qualifies for a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

16. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
17. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head

of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Class 1 Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200006 is APPROVED subject to the attached conditions.

MK:AS
11/08/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00035-(2)
CONDITIONAL USE PERMIT NO. 201200006**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the construction of a 50-foot wireless facility, disguised as a monopalm, consisting of twelve 8-foot antennas and three GPS antennas, within a 20-foot by 30-foot lease area containing equipment, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 20, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITY)

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
21. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
22. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
23. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

24. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
25. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
26. The maximum height of the facility shall not exceed fifty (50) feet above finished grade.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed. The lease area shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. The lease area shall be landscaped and maintained with grass, shrubs and/or trees as shown on the approved Exhibit "A"
30. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement Section of the Department of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's

receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with Condition #29 (maintenance) and Condition #30 (removal).
32. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
33. The facility shall be secured by fencing, gates and/or locks. The western edge of the fence shall be screened with a landscaped barrier.
34. New equipment added to the facility shall not compromise the stealth design of the facility.
35. Appurtenant equipment boxes shall be screened or camouflaged.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monopalm fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The installation of a 50-ft. wireless facility will not result in adverse effect to the neighborhood or the primary use of the subject property as it is a public utility to help residents in an emergency and day to day activities. this use will not generate any smoke, odor or other undesirable impacts on the adjacent land uses. it is an acceptable use and being unmanned, the proposed use requires no parking, and has no impact on traffic circulation or density. this facility will not endanger, constitute a menace to the public health, safety or general welfare but will help through e-911

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed 50-ft. tall wireless telecommunication monopole requires a height variance for with foliage added to the tip of the structure to conceal the and make the facility appear natural. the applicable height limit is 35-ft. in an R1-csd 22.44.120 west athens zone. the current use of this is vacant land with an 84-ft. tall lattice tower. the proposed 50-ft palm tree with added foliage is 34-ft. lower than the existing lattice tower. Both the lattice tower and the WTF are used for the public health and safety of the community.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the proposed facility will be unmanned and, therefore, will not generate traffic. the proposed facility will only require once a month maintenance.

19. Supplemental Information for a Wireless Telecommunication Facility

Southwest corner of Raymond Avenue & 120th Street.

a. Coverage analysis- AT&T has a coverage gap during high volume of use. The network is being utilized over capacity during "rush hour," a time of high volume usage. When customers are using the technology within the same area and are using more bandwidth than what AT&T can currently accommodate, there is a coverage gap during that time. The proposed site will cover this gap in coverage. Gap in coverage is located along 120th Street including the surrounding highly residential/business area.

b. Two copies of existing and proposed coverage maps included.

c. Site Analysis-

Several colocations were considered:

American Tower: 1440 W. Imperial HWY, Inglewood, CA: Tower is outside of the needed coverage gap. Colocating at this location would not fill the gap and is closer to another AT&T tower.

LA County: 1310 W. Imperial HWY, Los Angeles: Tower is outside of the needed coverage gap. Colocating at this location would not fill the gap and is closer to another AT&T tower.

Verizon: 1450 Imperial HWY, Los Angeles: Tower is outside of the needed coverage gap. Colocating at this location would not fill the gap and is closer to another AT&T tower.

Mobilitie: 1131 West El Segundo Blvd. Gardena: Tower is outside of the needed coverage gap to the south. The height of the tower is not tall enough to reach the needed coverage.

T-Mobile: 11850 Vermont Avenue, Los Angeles: Tower is outside the needed coverage gap and also not tall enough to fill the needed gap.

Communications Group: 11617 S. Western Avenue, Los Angeles: Tower is outside the needed coverage gap and also not tall enough to fill the needed gap. It is closer to another AT&T facility.

Crown Castle: 11711 S. Western Avenue, Los Angeles: Tower is outside the needed coverage gap and also not tall enough to fill the needed gap. It is closer to another AT&T facility.

Several locations were considered:

Castle Day Care Center- 1435 West 120th St. Los Angeles: Property is very close to residential neighbors and young children that will be playing close to facility. It was determined that the parents of the children would oppose the project so LL did not want to move forward.

Future Residential Development- 1525 W. 120th St. Los Angeles: Developer has plans to build residential neighborhood and it was determined by the owner that there was no space for our facility.

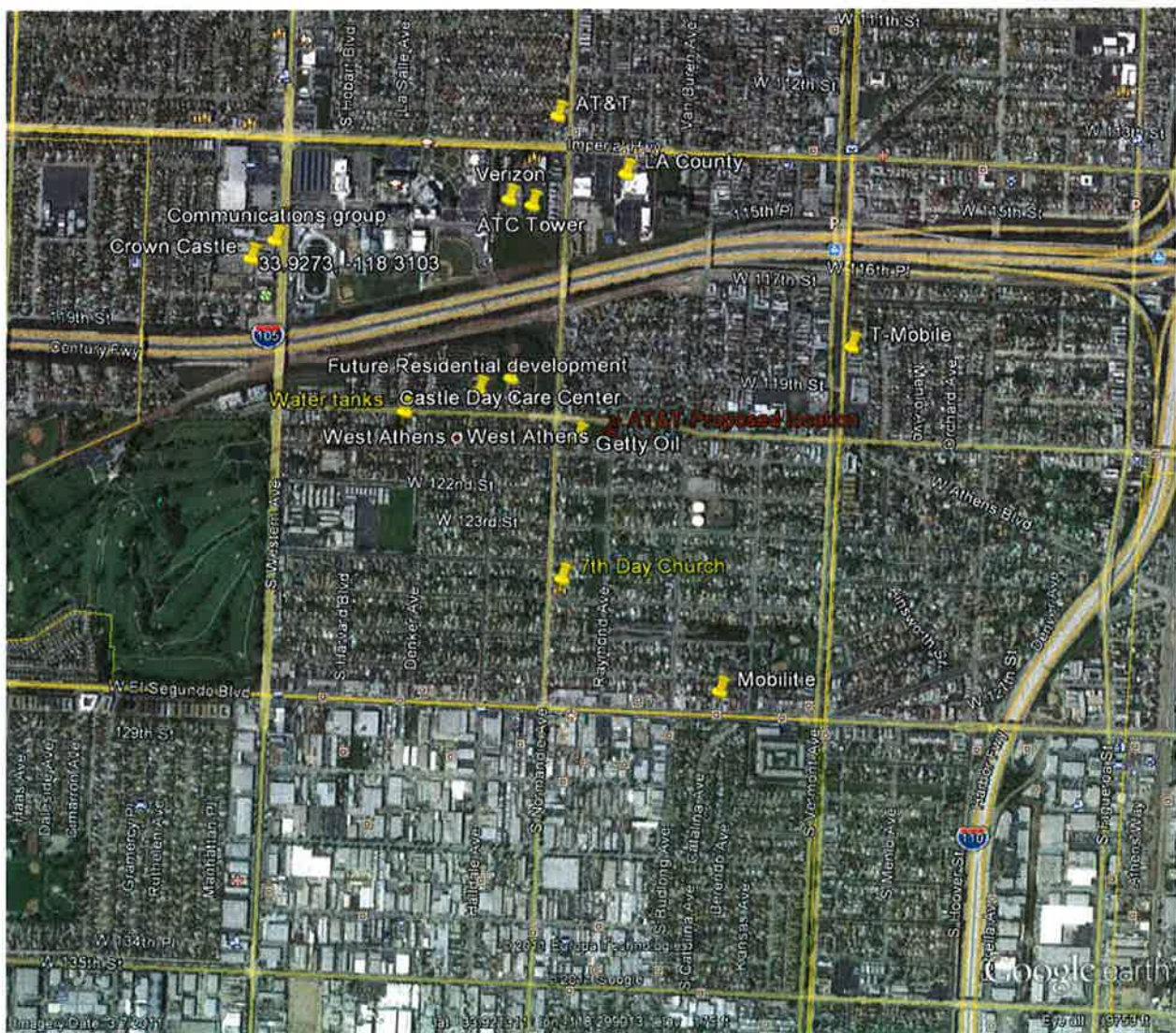
Getty Oil Property- Lot 26: Property adjacent to our proposed location. The LL is still undergoing an old oil spill and we would not be able to build on contaminated property.

Water Tanks- Northeast corner of 122nd and S. Budlong, Los Angeles: Water Tanks do not allow wireless leases on their property and would not allow AT&T to move forward on their property.

Normandie 7th Day Adventist Church- 12420 S. Normandie Avenue, Los Angeles: Property was too far away from the coverage gap and would not fill the gap.

Proposed MonoPalm tree is least visually intrusive because the palm design blends in with the surrounding vegetation. The property is close to other palm trees and DWP lattice tower.

d. Two copies of a map depicts the alternate site locations included.



e. Design Analysis: Proposed monopalm tree is the least visually intrusive design. Various broad leaf and palm trees surround the area, most of the trees within the surrounding area are palm trees. A monoeucalyptus tree was considered but the circumference is too large and would be closer to the power lines. A light structure or flag pole were ruled out because those designs would not support 12 antennas, which are all needed to help cover the gap and it would not fit it with the property and Land Use.

f. Color Photo Simulations are included within the application.

g. WTF Carrier: AT&T

Contact: Kerri Kinney

Address: 12900 Park Plaza Drive, 3rd Floor
Cerritos, CA 90703

Phone: 562.468.6204

Email: ka9192@att.com



18 November 2011

RE: LA0527: 121st/RAYMOND AVE_DWP
121ST AND RAYMOND AVE
LOS ANGELES, CA 90047

LETTER OF COMPLIANCE

The following states AT&T's site compliance with the FCC rules covering RF exposure.

The facility will operate within ATT Mobility's FCC licensed frequencies and these are as follows:

Receive freq. (MHz): 824-835, 845-846.5, 1865-1885 and 710-716

Transmit freq. (MHz): 869-880, 890-891.5, 1945-1965 and 740-746

RF Exposure to Persons Near the Site

The FCC states in 47 CFR § 1.1310 that the maximum permissible exposure level from RF radiation for the general population is between 0.6 and 1 milliwatts per centimeter squared (mW/cm²) depending upon the frequency of the transmitter. This is a measure of the RF power density at or below which there are no harmful effects.

The antenna that AT&T is using on this site is designed to transmit most of the signal in a horizontal direction (parallel to the ground). This is necessary to provide a useable signal level around the site. Within the first 600 feet from the site the transmitted signal does not need to be as strong consequently the antenna is designed to limit the signal level towards the ground to approximately ½ Watt of power. When this power reaches the ground its energy has been greatly reduced to the point where the RF exposure level is less than 2/10,000th of a percent of the maximum allowable exposure level permitted by the FCC. These calculations are based on a typical antenna patterns for the type of antenna that AT&T is using on their sites.

AT&T Mobility operates its wireless network in compliance with its FCC license and FCC rules and regulations concerning radio frequency emissions and/or radio frequency interference.

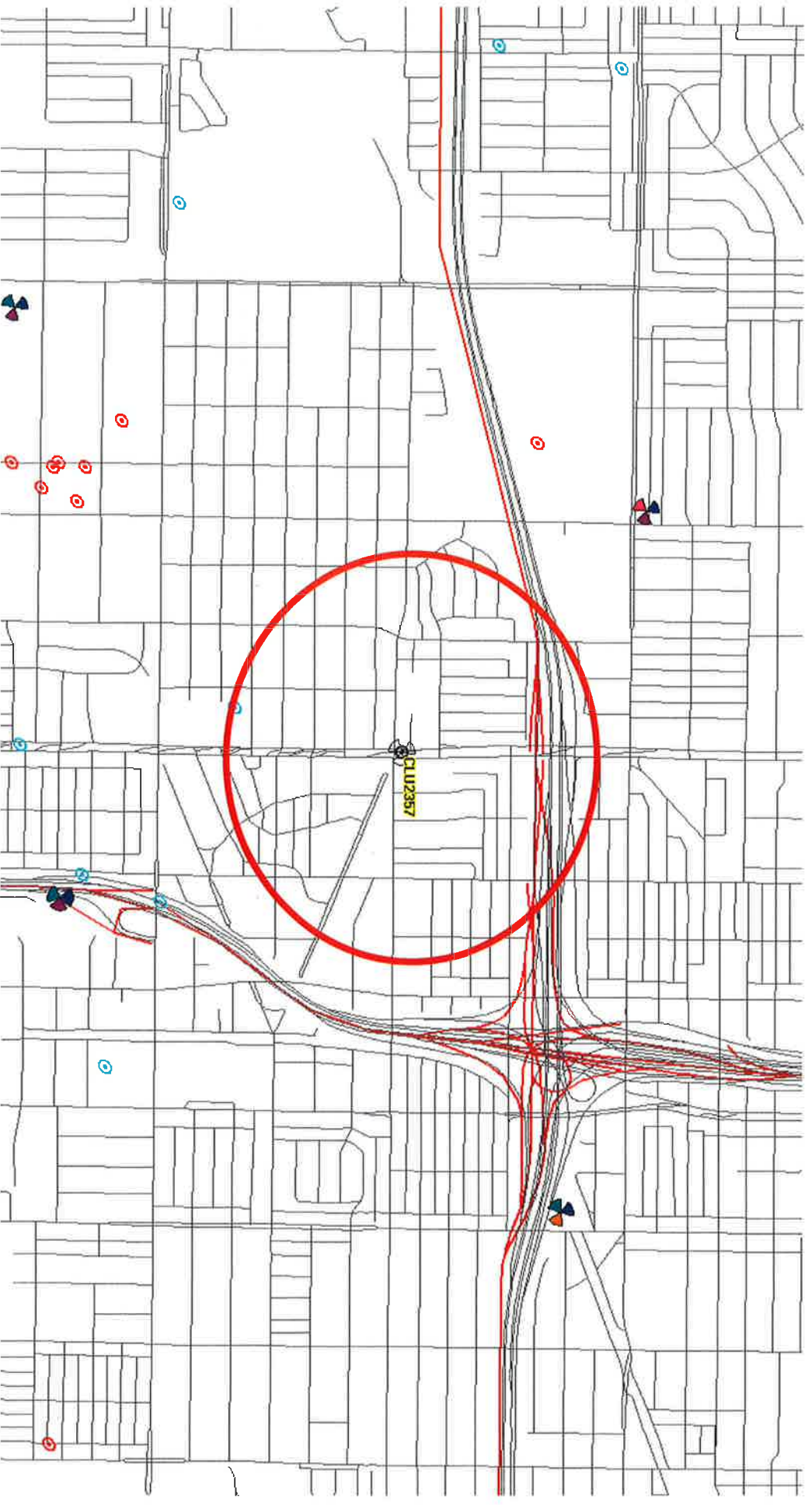
If AT&T can be of further assistance in this matter please do not hesitate to contact me at (562) 924-0000.

Sincerely,

A handwritten signature in black ink, appearing to read "Essie Polard".



Essie Polard
Market RF Safety Coordinator

Network Failures without CLU2357 during Normal Traffic Conditions

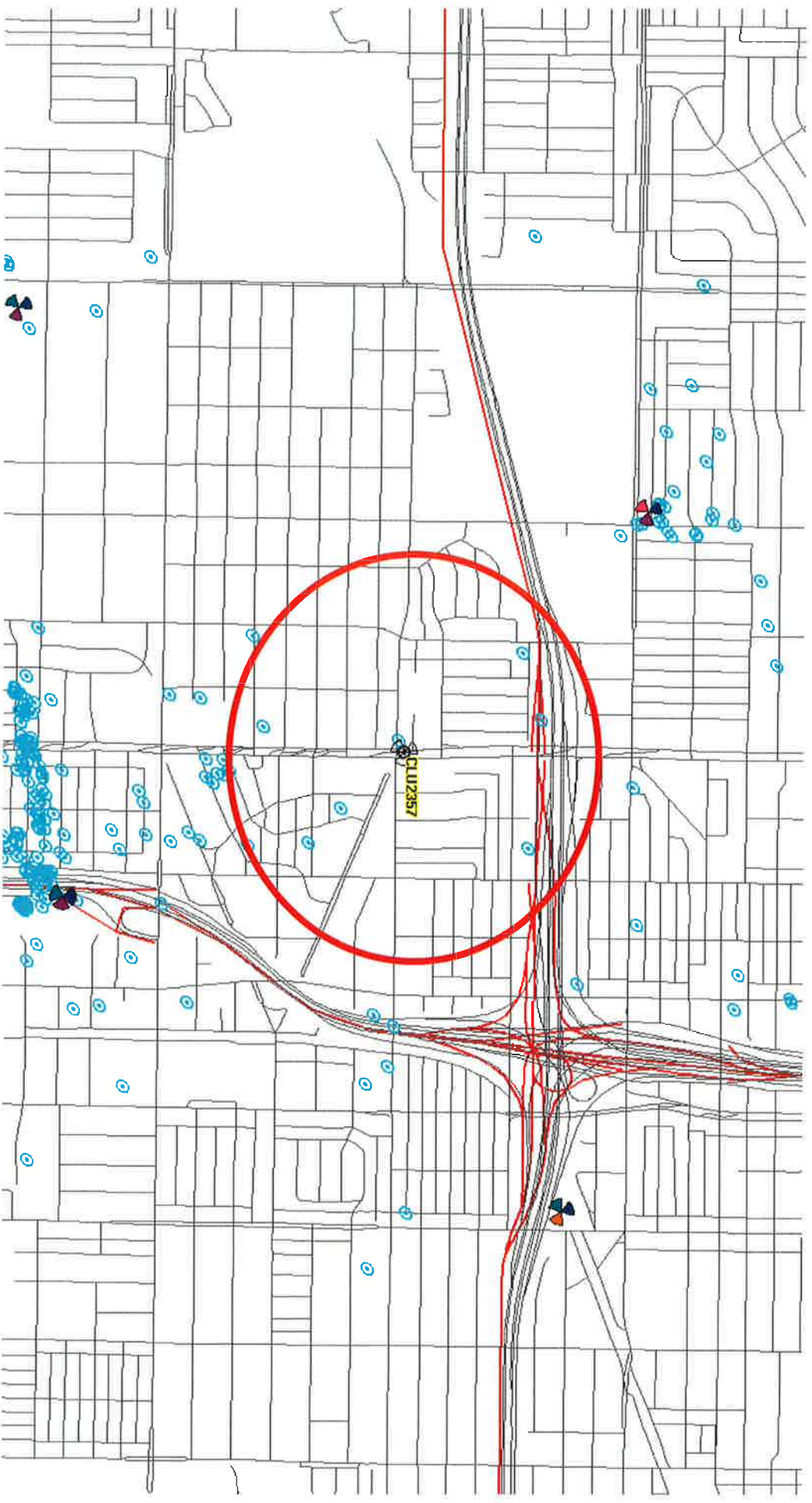


Legend

UMTS Simulations

-  Rejected Mobile User
-  Mobile User with Lower Bandwidth

Network Failures without CLU2357 during High Traffic Conditions

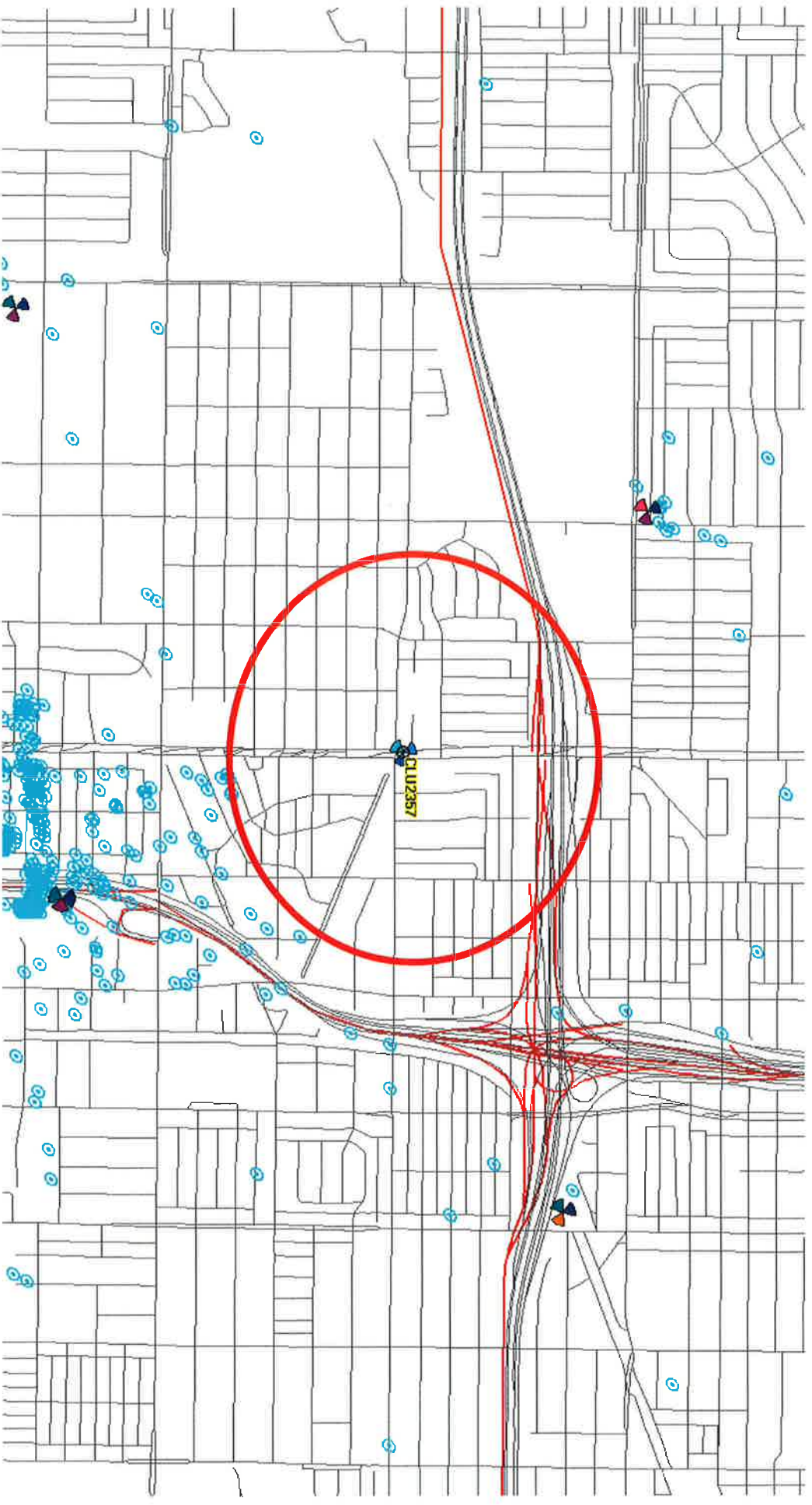


Legend

UMTS Simulations

- Rejected Mobile User
- Mobile User with Lower Bandwidth

Network Failures with CLU2357 during High Traffic Conditions



Legend

UMTS Simulations

- Rejected Mobile User
- Mobile User with Lower Bandwidth

View looking SW to the site from Raymond Avenue and 120th.



View looking North to site from Raymond Ave and 122nd.



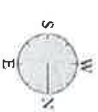
View looking NW To site from Raymond Ave and 122nd



View looking NW To site from Raymond Ave and 121st







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